

Senate Bill No. 1009

CHAPTER 275

An act to amend Section 41027 of, and to repeal and add Section 41026 of, the Water Code, relating to water.

[Approved by Governor September 22, 2005. Filed with
Secretary of State September 22, 2005.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1009, Florez. Water storage districts: election rolls.

Existing law, the California Water Storage District Law, requires the board of a water storage district to use the most recent county assessment rolls or to prepare an election roll to determine the ownership and value of parcels for the purpose of carrying out district elections. Existing law requires the board to hold a public hearing to receive testimony regarding a preliminary election roll, to make any changes to the preliminary election roll following a hearing and deliberations, and to finalize the election roll in accordance with those changes.

This bill would revise the manner in which a district election roll is prepared. The bill would require the district board to have a registered civil engineer prepare a preliminary election roll, and assign votes on the basis of one vote for each acre of land or portion thereof owned by that voter within the district, or on the basis of the benefits derived by each parcel from being within the boundaries of the district, or from receiving services from the district, or both. The bill would require the district board, after making any changes to the preliminary election roll, to adopt the election roll. Under the bill, for a district organized on a one-vote-per-acre basis, the adopted election roll would be deemed the final election roll. For a district organized on a benefits-derived basis, the bill would require the board of supervisors of the principal county to approve the adopted election roll, as prescribed.

The people of the State of California do enact as follows:

SECTION 1. Section 41026 of the Water Code is repealed.

SEC. 2. Section 41026 is added to the Water Code, to read:

41026. (a) The board shall have a preliminary election roll prepared pursuant to subdivision (b) by a registered civil engineer. The engineer shall prepare the preliminary election roll by division unless all district elections are at large.

(b) The preliminary election roll shall include each parcel of land listed on the most recent county assessment roll, any federal and state land, and any other unvalued lands within the district. For each parcel, the

preliminary election roll shall list the name of the holder of title to land and the area of that parcel. The preliminary election roll shall assign each voter one of the following:

(1) One vote for each acre of land owned by that voter within the district. If the voter owns less than one acre, the voter shall be entitled to one vote. Any fraction of an acre shall be rounded to the next full acre.

(2) A number of votes based on the benefits derived by each parcel from being within the boundaries of the district, or from receiving services from the district, or both. The engineer shall consider, among other factors, the nature of the use or allowed uses of the parcel, whether the parcel is developed or undeveloped, and the nature of the district's services provided to or available to the parcel.

(c) The secretary shall publish a notice of preparation of the preliminary election roll pursuant to Section 39057, indicating the date, time, and place of the board's hearing to consider the preliminary election roll. The notice shall also provide information concerning the availability of the preliminary election roll.

(d) A copy of the preliminary election roll shall be available at the district's offices during regular business hours and at any other convenient location, as determined by the district.

SEC. 3. Section 41027 of the Water Code is amended to read:

41027. (a) The board shall hold a public hearing to receive any testimony regarding the preliminary election roll. The hearing may be continued from time to time. Following the hearing and deliberations, the board shall make any changes to the preliminary election roll and shall adopt the election roll.

(b) If the preliminary election roll was prepared pursuant to paragraph (1) of subdivision (b) of Section 41026, the adopted election roll shall be deemed the final election roll.

(c) If the preliminary election roll was prepared pursuant to paragraph (2) of subdivision (b) of Section 41026, the secretary shall send the adopted election roll to the board of supervisors of the principal county. Upon receiving the adopted election roll, the board of supervisors of the principal county shall set the date, time, and place for a public hearing to receive any testimony regarding the adopted election roll. The board of supervisors shall publish a notice of its public hearing pursuant to Section 39057. At the hearing, the board of supervisors shall receive any testimony regarding the adopted election roll. The hearing may be continued from time to time. Following the hearing and deliberations, the board of supervisors shall either approve or disapprove the adopted election roll. If the board of supervisors approves the adopted election roll, it shall send the final election roll to the board. If the board of supervisors disapproves the adopted election roll, the board of supervisors shall notify the board of its disapproval and may recommend changes to the adopted election roll for the board to consider. The district shall compensate the principal county for any costs incurred by the board of supervisors pursuant to this article.

(d) The secretary shall certify and file the final election roll not later than the date of the first publication of the notice provided pursuant to Section 41308.

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